

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Mark Van Dyke et al.

Serial No.: 10/626,907

Filing Date: July 25, 2003

For: BIOACTIVE COATING FOR MEDICAL
DEVICES

Group Art Unit: 1651

Examiner: Thomas Dale Bradrick

Atty. Dkt. No.: KER020/4-035US
(formerly SwRI-2966-03)

Confirmation No.: 2421

SUPPLEMENTAL RESPONSE TO RESTRICTION
REQUIREMENT OF MARCH 28, 2006

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is submitted in response to a Communication of August 31, 2007 requiring an election of species in addition to the previous election filed by Applicant, and setting a one month time period for response. This paper is thus believed to be timely filed. No fee is believed to be due with the filing of this paper; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Commissioner is authorized to deduct said fees from Vinson & Elkins L.L.P. Deposit Account No. 22-0365/KER020/4-035US.

Applicants elect the following species within the previously elected Group I, Claims 1-33, drawn to medical devices comprising a substrate comprising a passivating coating comprising keratin, the passivating coating being effective to increase bone matrix formation exhibited by cultured 2T3 mouse osteoblast cells.

In response Applicant elects the following species for the initial search and examination: a metal implant, with titanium as the metal, bone morphogenic protein, BMP, as the bioactive factor, and hair as the elected keratin source.

The claims are now in condition for examination on the merits. If the Examiner has any questions or suggestions as to how the claims might more quickly proceed to allowance, or if a further election of species is required, he is invited to call the undersigned representative at 512.542.8446.

Respectfully submitted,



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Agent for Applicant

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Date: October 1, 2007